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| 10/528,779 | 08/05/2005 | Peter Wadewitz | 2668SU | 4734 |
| 20529 7590 11/03/2008 THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/528,779

Applicant(s)

WADEWITZ, PETER

Examiner

SHANTA G. DOE

Art Unit

1797

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11,13-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11,13-20 and 22 is/are rejected.
- 7) ☐ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The amendment filed 4/10/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Paragraph [0012] of the amended specification contains material which is not supported by the original disclosure, specifically the phrase "when the pump operates air is drawn from the upper regions of the container into the extraction conduit and forced out of the supply conduits to flow though the material being composted" .

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

2. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 8). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The subject matter claimed in claim 9 was previous described in independent claim 8 from which claim 9 depends.

Response to Arguments

3. The applicant's arguments filed 4/10/2008 have been fully considered but they are not persuasive. The applicant's argument that there is no suggestion of or teaching

towards an apparatus having all the essential feature of the newly amended 1, 8 and 19 in the prior art was not found persuasive, see the art rejection below. Furthermore, applicant's argument that the double patenting rejection does not meet the requirements of prima facie case of obviousness under 35 U.S.C 103(a) because Wadewitz does not describe the use of a separate pump for the extraction and recirculation of liquid formed during composting and that there is no suggestion of the applicant's claimed invention in a combination of Wadewitz and the other references cited was not found persuasive. The above argument was not found persuasive because even though Wadewitz is silent with regard to the liquid formed from the composting of material in the composting apparatus, it is well known in the art that as organic matter such as dead poultry and fruit decompose, liquids are formed during the composting process and other references such as Rihtamo et al disclose how such a liquid can be used to affect the composting process (for example by collecting the liquid in a separate space and recirculating it can aid in maintaining the appropriate moisture level of the composting material), hence it would have been obvious to one having ordinary skill in the art to combine the two references.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1,8,19, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The apparatus for composting material comprising a pump wherein as the pump operates air is drawn from the upper regions of the container into the extraction conduit and forced out of the supply conduit to flow through the material being composted was not previously described in the specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 19 recites the limitation "the pump". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 6-20, and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wadewitz (WO 00/37393) in view of Rihtamo et al. (US 6,596,050).

Regarding claim 1, Wadewitz discloses an apparatus for the composting of material comprising a container with an openable lid which closes with respect to its surrounding perimeter by means of a resilient seal so as to provide a substantially airtight closure with the container, across the bottom of the container being a series of supply conduits which have a plurality of holes passing through the walls thereof which are connected to a return conduit which is further connected to a pump (fan or blower) and a filter (8) back and further connected to an extraction conduit (part of conduit before the fan), whereby when the pump operates air is drawn from upper regions of the container into the extraction conduit and forced out of the supply conduits to flow through the material being composted (see fig 2, page 2 lines 17-23, page 4 lines 25-37, page 6 lines 30- page 7 line 2, page 7 lines 18-20, claim 2, 3).

Wadewitz fails to disclose that an aqueous liquids formed during treatment are held at a level lower than that of the supply conduits, by a combination of a sump below the supply conduits and floor means to hold the material being treated above the sump, the floor means having, one or more apertures disposed thereon, to allow liquid to pass there through and into the sump, wherein the apparatus further comprises a pump means to pump the liquid from the sump area and to disperse the liquid over the top of the material to be composted.

Rihtamo et al. teaches the waste treatment reactor (2) comprising organic matter located within the reactor, wherein an aqueous liquid formed during a treatment is held at a level (8) lower than that of the supply conduits (4) and (5) (see Fig. 2 and column 3 lines 35-38). Rihtamo et al. further teaches the reactor comprising a sump (8) (called a liquid collecting space, see column 4 lines 24- 26 and lines 33-35) and intermediate floor ((11) called sieve plate) which separates the liquid collecting space (8) from the reactor treatment space (3) (see column 4 lines 23-31) and a pumping means(9) which pump liquid from the sump and disperse the liquid over the top of the material to be composted. Material (6) in treatment space inherently is located above the sump (see Fig. 2 and column 3 line 60).

In view of Rihtamo et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Wadewitz by fabricating the liquid collection sump below supply conduit, a floor means having one or more apertures disposed thereon and a pump means to pump the liquid from the sump area as taught by Rihtamo because such a modification would allow liquid generated by

the decomposition of material being composted to collect in area other than within the composting material wherein such liquid can be reused to aid the composting process by re-circulating the liquid within the system or for removal of toxic chemicals .

Regarding claim 6, the combination (Wadewitz and Rihtamo et al.) as applied to claim 1 above teaches the apparatus of claim 1 except there are means with which to access the liquid in the sump from outside the container.

Rihtamo et al. teaches a pump (12) located outside the container to remove the liquid from the sump into a separate container (13) (see column 5 lines 55-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching the combined references by having means (such as a pump 12) with which to access the liquid in the sump from outside the container because that allows one to remove the sap/liquid from the sump.

Regarding claim 7, the combination as applied to claim 1 above discloses the apparatus of claim 1 wherein there are a number of chambers in connection with the lowermost regions of the container for isolation of the liquid material produced.

Rihtamo et al. teaches a liquid collection chamber (8) and separate chamber (13) (called container) (see column 5 lines 55-58).

In view of Rihtamo, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Wadewitz by fabricating the two chambers (one for the collecting of the liquid during the composting and the

other for the storage and treatment of the liquid) as taught by Rihtamo et al. because that allows one to periodically remove the liquid with harmful substances without interruption of the composting process.

Regarding claims 8 and 9, Wadewitz discloses a method of treating materials to be composted comprising the steps of containing such materials within the closed container as described in claim 1: then effecting a first covering of woodchips then successively a layer of organic material to be composted and a layer of absorbing woodchips (see claim 6), pumping air into the container at one part of the contained body of material, and taking the air having passed through the material from the container so that it, and it only, will be substantially re-circulated back to an introduction location of the material so that gaseous products of any decomposition of the materials will be kept within the container or its connected conduits.

Wadewitz fails to specifically disclose that the liquid formed as a result of the composting is passed through the floor means and is held at a level lower than that of the supply conduits; and extracting the collected liquid from the lower most level and reintroducing it into the top of the container.

Rihtamo et al. teaches a method wherein the liquid formed during the treatment of waste material (6) passes through the floor means (11) (called sieve plate) and is held at a level (8) (called liquid collecting space) lower than that of the supply conduits (4 and 5) (see Fig. 2 and column 3 lines 35-37 and column 4 lines 20-40) and the

collected liquid is extracted from the lower most level and reintroduced into the top of the container (see Rihtamo et al. fig 2 and column 4 lines 20 -22 and 34-40).

In view of Rihtamo, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teaching of Wadewitz by including the steps of passing the liquid resulting from the composting through the sieve floor, collecting the liquid in the collecting space and extracting the collected liquid from the lower most level and reintroducing it into the top of the container as taught by Rihtamo et al because such a modification allows one to collect and remove the liquid (produced during composting of the material in the container) with toxic materials or to return the liquid back to the treatment zone which aids in maintaining the required amount moisture in the container.

Regarding claim 10, the combination as applied to claim 8 above discloses the method of claim 8, wherein there is extraction of liquid and reintroduction to the top of the container. Rihtamo et al. teaches a method of reintroduction of the liquid from the collecting space (8) to the treatment zone of reactor (3) through a recirculation system (7) (see column 3 lines 60-62 and column 4 lines 36-40 and Fig. 2).

The combination does not specifically/directly disclose that the introduction of liquid from the collecting space to the reactor is carried out from time to time during the treatment

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of the combined references by

conducting the recirculation step from time to time during the treatment instead of a continuous recirculation since it was known in the art that this allows one to reduce the operational expenses during the treatment and to control the desired moisture level.

Regarding claim 11, the combination as applied to claim 8 above discloses the method of claim 8, wherein the liquid is collected. The combination fails to specifically disclose that the collected liquid is held for a period of time to encourage bacteria growth.

Rihtamo further discloses collecting and holding the liquid in the liquid collecting basin during the treatment (see Example 1 column 6 lines 46-48). Rihtamo et al. also teaches that the reactor can be provided with feed devices for feeding moisture, the nutrients, oxygen, steam and/or solid matter into the reactor (see column 3 lines 35-37). The apparatus may also comprise a separate return space, which is located below the reactor (see column 4 lines 34-36). A bacterial stock can be added to the waste material or the procedure can also be implemented without an added bacterial stock (see column 5 lines 6-13).

In view of Rihtamo, it would have been obvious to one having ordinary skill in the art at the time the invention was made to hold the liquid in a collecting container since it was known in the art that holding the collected liquid with nutrients and added bacteria (or even without an added bacteria) stimulates the growth of bacteria.

Regarding claim 13, the combination as applied to claim 8 above discloses the method of treating materials according to claim 8 wherein the recirculation of air is effected from

time to time through the period of composting (see Wadewitz claim 3 and page 7 lines 28).

Regarding claim 14, the combination as applied to claim 8 above discloses the method of treating according to claim 8 wherein the recirculation of the air and gases is through a biofilter in the pathway of such re-circulating gases(see Wadewitz claim 4).

Regarding claim 15, the combination as applied to claim 14 above discloses the method of treating according to claim 14 wherein the biofilter includes compost or similar organic material through which the air to be filtered is passed (see Wadewitz claim 5).

Regarding claim 16, the combination as applied to claim 8 above discloses the method of claim 8, wherein the layer of organic material to be composted is a layer of bodies (see Wadewitz claim 6).

Regarding claim 17, the combination as applied to claim 8 above discloses a method of composting materials as in claim 8, wherein the material is high in protein content and the method includes the steps of holding the composting materials in a closed container and recycling through the material substantially only the air and any resultant gases given off from the composting materials (see Wadewitz claim 7).

Regarding claim 18, the combination as applied to claim 8 above disclose the method of

claim 8, wherein there are provided means to effect a cyclic operation of the pump so that it can be switched on and switched off over a decomposing period according to a pre-arranged program (see Wadewitz claim 8, page 2 lines 24-26).

Regarding claim 19, Wadewitz discloses a method of composting which includes the steps of placing the materials to be composted into a substantially airtight container, sealing the container and then blowing in a recycling manner substantially only the air and gases contained within the container through the composting materials by providing a supply conduit having a plurality of holes, whereby when the pump (7) operates air is drawn from upper regions of the container into an extraction conduit and forced out of the supply conduit to flow through the material being composted for a period of time to collect and distribute ammonia sufficient to allow for a substantial buildup in concentration to a pathogen killing level of ammonia derived from the composting materials, maintaining such circulation for a sufficient period of time so as to effect a substantial pathogen kill in the composting material (see fig 1, 2, page 3 lines 8-10,27-31, page 6 lines 34-35).

Wadewitz fails to disclose that the method further comprise collecting the liquid produced during the composting from a chamber positioned below the level of the material, and pumping the collected liquid from the chamber and dispersing the liquid over the top of the material.

Rihtamo et al. teaches a method wherein the liquid formed during the treatment of waste material (6) passes through the floor means (11) (called sieve plate) and is

held in a chamber(8) (called liquid collecting space) positioned below the level of material and pumping the collected liquid from the chamber and dispersing the liquid over the top of the material (see Rihtamo et al. fig 2, column 3 lines 35-37 and column 4 lines 20 -40).

In view of Rihtamo, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teaching of Wadewitz by including the steps of collecting the liquid produced during the composting from a chamber positioned below the level of the material, and pumping the collected liquid from the chamber and dispersing the liquid over the top of the material as taught by Rihtamo et al. because such a modification allows one to collect and remove the liquid with toxic materials or to return the liquid (produced during composting of the material in the container) back to the treatment zone which aids in maintaining the required amount of moisture in the container.

Regarding 20, the combination as applied to claim 8 above discloses the method of claim 8, wherein the composting materials are placed in layers with materials separating the respective layers, which are porous (Wadewitz claim 10).

Regarding claim 22, the combination as applied to claim 19 above disclose the method of claim 19, further comprising: providing the container with an openable lid which closes with respect to its surrounding perimeter by means of a resilient seal so as to provide a substantially airtight closure with the container; and connecting the supply

conduit to a pump and a filter, whereby when the pump operates air is drawn from the upper regions of the container into the extraction conduit and forced out of the supply conduit to flow through the material (fig 2, page 4 lines 20-30 and page 6 lines 30-36).

12. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wadewitz (WO 00/37393) (IDS) in view of Rihtamo et al. (US Patent 6596050) as applied to claim 1 above and further in view of Petzinger (US Patent 4108609).

Regarding claim 3, the combination (Wadewitz and Rihtamo et al.) as applied to claim 1 above teaches the apparatus of claim 1 except that the floor means is sloping.

Petzinger teaches a compost container with a sloping floor (28) (called sloping bottom wall (see Fig. 1 and column 2 line 13).

In view of Petzinger, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of the combined references as applied to claim 1 by fabricating the floor as a sloping floor as taught by Petzinger because it facilitates the removal of liquid sap.

Regarding claim 4, the combination (Wadewitz, Rihtamo et al. and Petzinger) as applied to claim 3 above teaches the apparatus of claim 3, wherein the one or more apertures disposed on floor means are located at a lowermost point to allow liquid to pass through and into the sump. Specifically, Rihtamo et al teaches a floor having a plurality of apertures on the floor (11 called sieve plate) which are located at a lowermost point and

allow liquid to pass through the floor and into the sump (8) (called liquid collecting space) (see Fig. 2 and column 4 lines 28-31).

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 8 and 13-17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-6, and 10 of U.S. 6,703,234 in view of Rihtamo et al. (US 6,596,050).

Regarding claim 8, Wadewitz discloses a method of treating materials to be composted comprising the steps of containing such materials within the closed container as described in claim 1 then effecting a first covering of woodchips then successively a layer of organic material to be composted and a layer of absorbing

woodchips (see claim 6), pumping air into the container at one part of the contained body of material, and taking the air having passed through the material from the container so that it, and it only, will be substantially re-circulated back to an introduction location of the material so that gaseous products of any decomposition of the materials (see claim1) will be kept within the container or its connected conduits.

Wadewitz fails to specifically disclose that the liquid formed as a result of the composting passes through the floor means and is held at a level lower than that of the supply conduits; and extracting the collected liquid from the lower most level and reintroducing it into the top of the container.

Rihtamo et al. teaches a method wherein the liquid formed during the treatment of waste material (6) passes through the floor means (11) (called sieve plate) and is held at a level (8) (called liquid collecting space) lower than that of the supply conduits (4 and 5) (see Fig. 2 and column 3 lines 35-37 and column 4 lines 20-40) and the collected liquid is extracted from the lower most level and reintroduced into the top of the container (see Rihtamo et al. fig 2 and column 4 lines 20 -22 and 34-40).

In view of Rihtamo, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teaching of Wadewitz by including the steps of passing the liquid resulting from the composting through the sieve floor, collecting the liquid in the collecting space and extracting the collected liquid from the lower most level and reintroducing it into the top of the container as taught by Rihtamo et al because such a modification allows one to collect and remove the liquid (produced during composting of the material in the container) with toxic materials or to return the liquid

back to the treatment zone which aids in maintaining the required amount moisture in the container.

Regarding claim 13, Wadewitz and Rihtamo et al. teach a method of treating materials to be composted as in claim 8 further characterized in that the recirculation is effected from time to time through the period of composting (see claim 3 of the Wadewitz reference).

Regarding claim 14, Wadewitz and Rihtamo et al. teach a method of treating materials to be composted as in claim 8 further characterized in that the recirculation of the air and gases is through a biofilter in the pathway of such re-circulating gases (see claim 4 of the Wadewitz reference).

Regarding claim 15, Wadewitz and Rihtamo et al. teach a method of treating materials to be composted as in claim 14 further characterized in that the biofilter includes compost through which the air to be filtered is passed (see claim 5 of the Wadewitz reference).

Regarding claim 16, Wadewitz and Rihtamo et al. teach a method of treating materials to be composted as in claim 8 wherein the layer of organic material to be composted is a layer of bodies (see claim 6 of the Wadewitz reference).

Regarding claim 17, Wadewitz and Rihtamo et al. teach a method of treating materials to be composted as in claim 8 which are high in protein content including the steps of holding the composting materials in a closed container and recycling through the material substantially only the air and any resultant gases given off from the composting materials (see the Wadewitz reference claim 10).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTA G. DOE whose telephone number is (571)270-3152. The examiner can normally be reached on Mon-Fri 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSD

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797